

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE APPLICATION OF  
**EDUARDO LUCAS FORNACIARI**  
FOR AN ORDER TO TAKE DISCOVERY  
PURSUANT TO 28 U.S.C. § 1782  
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**ORDER PURSUANT TO 28**  
**U.S.C. § 1782**

The Court having received the *ex parte* application dated August 25, 2017, submitted on behalf of **EDUARDO LUCAS FORNACIARI** (“Applicant”) seeking discovery pursuant to 28 U.S.C. § 1782 and the Court having considered said application including the declaration of Lucas José Battison, dated August 25, 2017, the declaration of Kathleen M. Kunder, dated August 25, 2017, and Applicant’s memorandum of law in support of his application, requesting this Court to order the issuance of subpoenas directing each of American Express Company (“Amex”), The Bank of New York Mellon Corporation (“Mellon”), Citibank N.A. (“Citi”), and Wagner, Ferber, Fine & Ackerman, PLLC (“Wagner”) (collectively, the “Parties to be Subpoenaed”) to produce certain documents and to provide testimony, for use in an Argentine labor lawsuit pending before the National First Instance Labor Court No. 38 seated at Tte. Gral. Juan Domingo Peron No. 990, Piso 8, Ciudad Autónoma de Buenos Aires, República Argentina, Sole Secretariat (“Argentine Tribunal”) entitled *Fornaciari, Eduardo Lucas vs. Citromax S.A.C.I. and Vivian Rose Glueck*, case no. 36432/2015 (the Argentine Proceeding”) and this Court being of the opinion that execution of the application is proper under the provisions of 28 U.S.C. § 1782(a) and in the exercise of its discretion;

Now therefore, it is hereby

ORDERED, that the application of Applicant for discovery from each of the Parties to be Subpoenaed, pursuant to 28 U.S.C. § 1782, is hereby granted; and it is further

ORDERED, that subpoenas for production of documents and deposition testimony be issued forthwith in accordance with the Federal Rules of Civil Procedure to each of American Express Company, The Bank of New York Mellon Corporation, Citibank N.A., and Wagner, Ferber, Fine & Ackerman, PLLC (collectively, the “Subpoenas”) and served together with a copy of this Order and that the respective Subpoenas provide for the taking of testimony and the production of documents concerning:

- A. As to Amex, Fornaciari’s credit card account with the number 3715 513209 52032, and (a) to whom the credit card was issued; and (b) by whom payments were made.
- B. As to Mellon, (a) Fornaciari’s status as an account holder or otherwise as a customer registered with Bank of New York Mellon between January 1, 2002 and February 28, 2015; (b) the name of the person who owned account number 890-051238-5; and (c) receipts of wire transfers into account number 890-051238-5.
- C. As to Citi, (a) checks issued against Eastcoast Flavors, Inc.’s account 021000089; (b) Fornaciari was an account holder with Citi between January 1, 2002 and February 28, 2015; (c) the name of the party who owned account number 94701958; and (d) receipts of wire transfers in account 94701958.
- D. As to Wagner, an audit report dated December 31, 2013.

And it is further

ORDERED, that Kathleen M. Kundar, Esq., and any other attorney affiliated with the law firm of Fox Horan & Camerini LLP and admitted to the United States District Court for the Southern District of New York, be appointed as examiners to take the depositions, to obtain the requested documents and to issue the Subpoenas to obtain such discovery pursuant to the Federal Rules of Civil Procedure; and it is further

ORDERED, that Kathleen M. Kunder, Esq., and any other attorney affiliated with the law firm of Fox Horan & Camerini LLP, be appointed to return to the Argentine Tribunal the documents produced pursuant to the Subpoenas as well as any certifications of authenticity of the documents and any transcripts of the depositions taken pursuant to the Subpoenas; and it is further

ORDERED, that this Court will retain such jurisdiction as is necessary to effectuate the terms of the Subpoenas or any additional subpoenas that may be requested or ordered for use in the Argentine Proceeding.

Dated: August 31, 2017  
New York, New York



J. PAUL OETKEN  
United States District Judge